

Remarks

Claims 1-2, 6, 26-28 and 30 are amended. Claims 9-25 are canceled. The subject matter of the amended claims is supported in the applicant's originally submitted specification and claims. See, for example, paragraph [0015] of the specification. Consequently, no new matter is added or otherwise introduced to the present application. Upon entry of the foregoing amendments, claims 1-8 and 26-30 remain pending.

Notably, at page 13 of the Detailed Action, the Office states that the arguments presented in the previous response, which outlined numerous deficiencies of the Darby reference to fully anticipate the recited subject matter, were persuasive. In the present Detailed Action, however, the Office asserts new rejections based primarily on the Darby reference taken in only minor combination with prior art to Singleton and others. The applicant has closely reviewed Singleton, as well as the other prior art presently relied upon by the Office, and was not able to discern any description, suggestion or teaching that would operate to cure the previously argued deficiencies in Darby. Moreover, there is no explanation in the present Action explaining how combination of Darby in view of the other prior art operates to render the previously offered arguments moot. Regardless, the applicant has amended the claims in a good faith effort to more clearly recite the claimed subject matter and offers further arguments and clarification, in addition to the persuasive arguments offered in the previous response, in support of allowance. The Office is respectfully requested, therefore, to reconsider and address the previous arguments, as well as the present arguments, in the next communication.

Claim Rejections – 35 USC § 103

Beginning at page 2 of the Detailed Action, claims 1-8 and 26-30 of the present disclosure are rejected per 35 U.S.C 103(a) on the grounds of being obvious. The Office continues to essentially rely on Darby (U.S. 2003/0013438) now taken in view of various combinations of Singleton (U.S. 2004/0204837), Flagstad (U.S. 2005/0075909) and Fu (U.S. 4,803,625) as justification for said rejections. The applicant maintains that the present invention, as described in the presently amended claims, is not an obvious combination of the references and, therefore, the applicant respectfully submits that the present claims are allowable.

With regards to independent claims 1, 26 and 30, the Office has rejected the claims based on a combination of Darby in view of Singleton. The applicant has closely reviewed the Darby

and Singleton references and asserts that no combination of Darby and Singleton can be shown to establish a prima facie case of obviousness. The Office relies on Singleton to suggest the recited step of “sending a request to a server” and Darby to suggest the balance of the recited subject matter. The applicant submits that the Office has erred in this regard and respectfully requests reconsideration of the factual inquiries. More specifically, the applicant stands forth that at least the following recited limitations are not described, suggested, taught or rendered obvious by Darby:

- “...wherein...the medical assistance is delivered in...a language associated with the foreign country...”

At least at paragraph [0042], Darby describes the “Pocket Concierge” in the context of a Japanese visitor to the U.S. (who does not speak English) leveraging a “Pocket Part with a Japanese user interface.” Darby explains that the Japanese visitor may use the Pocket Part, for example, to inquire about the availability of local goods and services. To do so, the Pocket Part, which has a Japanese language interface, is used by the Japanese visitor to place a voice call to a Call Center agent who can provide the information to the Japanese visitor *in his native Japanese language*. Considering this exemplary embodiment in light of Darby’s entire disclosure, the Darby teaching can be essentially boiled down to a “411 service” for non-native speakers. Importantly, therefore, Darby does not describe, suggest or teach that information requested by the Japanese user may be delivered in English, i.e. a language associated with the foreign country, as is claimed.

Moreover, again referring to Darby at least at paragraph [0042], Darby describes that the Pocket Part is uniquely associated with a predefined language, such as Japanese. Darby does not describe, suggest or teach that actuation of the Pocket Part interface by the user may trigger the subsequent provision of information to the user in any language other than the single language associated with the Pocket Part. That is, if a Darby user leverages a Japanese Pocket Part, then the call center agent will provide the requested information to the user in Japanese. There is no suggestion to one of ordinary skill in the art of Darby that a user of a Pocket Part, such as a Japanese language Pocket Part, may have the requested data delivered in a language associated with the foreign country in which the user is present.

- “...wherein...the medical assistance is delivered in...a format customized to the foreign country.”

In the Detailed Action, the Office did not specifically address the above limitation (formerly recited as “*delivering the medical assistance...customized based on the selected country*”). The applicant has redrafted the limitation to more clearly, and specifically, recite that the information requested by the user may be delivered in a format that is customized to a country foreign to the user. As an example, prescriptions used in the U.S. may not be readily available from a pharmacy in a foreign country and, therefore, the claimed embodiment may amend the requested information, such as a prescription, so that it will be meaningful to a third party in a foreign country. Support for this limitation can be found in the specification at least at page 6, lines 1-5. The applicant has closely reviewed the Darby reference and was not able to find any description, suggestion or teaching that medical assistance may be delivered in a form that is customized to the foreign country in which the user is present.

For at least the reasons outlined above, the applicant submits that no combination of Darby and Singleton can be shown to establish a prima facie case of obvious. As such, the applicant respectfully requests the Office to withdraw the rejections and allow the claims.

With regards to claims 2-8 and 27-29, each is a dependent claim which depends either directly or indirectly from allowable claims 1 or 26. As such, each is also in condition for allowance and withdrawal of the rejections is respectfully sought.

Conclusion

The applicant has presented amendments to more specifically clarify the claims in conjunction with arguments that clearly establish that the claims are allowable over the cited references. For at least the reasons outlined above, and those presented in the previous response, the applicant submits that the currently pending claims, namely claims 1-8 and 26-30, are in condition for allowance and respectfully seeks such action from the Office.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

By: /Gregory Scott Smith/

Gregory Scott Smith

Reg. No. 40,819

Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha LLC

Two Ravinia Drive, Suite 700

Atlanta, Georgia 30346

(770) 804-9070